



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,762	11/28/2001	Susanna Bollini	IIP-121US	6468

7590 02/23/2005

RATNER AND PRESTIA

Suite 301

One Westlakes, Berwyn

P.O. Box 980

Valley Forge, PA 19482-0980

EXAMINER

JASTRZAB, KRISANNE MARIE

ART UNIT

PAPER NUMBER

1744

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,762

Applicant(s)

BOLLINI, SUSANNA

Examiner

Krisanne Jastrzab

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11282001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because it should be limited to no more than one paragraph in length. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. .

Containment of an UV source by materials such as plastics, cardboard and wood, as recited in the instant claim, would be inoperable because of the temperatures involved in such containment exceed the combustion and/or melting point of such materials.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3, 6-7 and 8-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 1, the use of "characterized in that" is improper in US patent practice.

With respect to claim 4, "said end openings" lacks proper antecedent basis. It is suggested that --both of the two openings for entry and exit of said air flow--be used therefor, if those are in fact, the openings being referred to. Also, this claim employs improper Markush language, namely "selected from". This should be changed to --selected from the group consisting of--, in order to properly set forth the grouping.

With respect to claims 6 and 9, recitation of "said apparatus" in the body of the claim is found to be vague and indefinite because it improperly attempts to define the apparatus by itself. Correction is required.

With respect to claim 7, this claim employs improper Markush language, namely "selected from". This should be changed to --selected from the group consisting of--, in order to properly set forth the grouping.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4-6 and 8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Morrow et al., U.S. patent No. 5,656,242.

Morrow et al., teach an air purifier having a removable UV lamp assembly supported within a housing. The housing has inlet and outlet openings with filter means at each opening, and the lamp assembly has inlet and outlet openings with light absorbing baffles located thereby creating a torturous path to limit escape of any radiation from the assembly. A blower is also provided in the housing positioned near the inlet. The interior of the device has a highly-reflective layer coated or painted thereon. It is held that the assembly being removable inherently makes it "disposable" as instantly claimed. See column 2, lines 18-345 and lines 65-68, column 3, lines 3-5, lines 20-30 and lines 62-65, and column 4, lines 1-5, and lines 40-52.

Claims 1-6 and 8 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Palestro et al., U.S. patent No. 6,497,840 B1.

Palestro et al., teach a housing having a removable UV lamp cassette therein. The air intake and output are baffled to contain the UV radiation. Mounting means are provided in housing including electrical contacts, the cassette being accessible and removable, interior surfaces are reflective and filter means are provided at the inlet and outlet thereof. The cassette is placed in the housing in a cantilevered, hinged-joint configuration (see Fig. 2 elements 154 and 156). It is held that the assembly being removable inherently makes it "disposable" as instantly claimed. See particularly Fig. 2 and Fig 6, column 6, lines 50-56, column 7, lines 20-45, column 8, lines 20-60 and column 11, lines 1-10 and lines 20-25.

Art Unit: 1744

Claims 1-2, 4-6 and 8 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Bigelow U.S. patent No. 6,500,387 B1.

Bigelow teaches an air purifier for HVAC systems or rooms having a housing including an inlet and outlet, filter means located at both the inlet and outlet and a cassette means removably supported within the housing which contains a UV source. The surfaces of the apparatus are reflective and preferably of aluminum. It is held that the assembly being removable inherently makes it "disposable" as instantly claimed. See column 15, line 65 through column 16, line 20, Fig. 13 and claims 10 and 39.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morrow et al., as applied to claims 1-2, 4-6 and 8 above, and further in view of Mazzilli U.S. patent No. 5,523,057.

Mazzilli teach the conventionality of constructing UV air purifier components from lightweight materials including hardboard fiberglass and lining the inner surfaces thereof with a layer of reflective foil.


It would have been obvious to one of ordinary skill in the art to construct the cassette of Morrow et al., with material such as those taught in Mazzilli because of the recognized conventionality thereof and the cost effectiveness provided as well.

Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrow et al., as applied to claims 1-2, 4-6 and 8 above, and further in view of Owesen U.S. patent No. 5,891,399.

Owesen clearly teaches the conventionality of the control systems in UV purification having displays of lamp activity including an hour counter. Owesen further teaches the use of magnetic means for securing closures of such devices because they provide contact means the can be sensed for controlled actuation of the system only when the contact is present.

It would have been obvious to one of ordinary skill in the art to include control means as taught in Owesen in the system of Morrow et al., because it would provide for contact means indicative of proper placement of the lamp assembly prior to acutation as well as, counter means to track the life of the UV sources therein.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to ^{Krisanne}Jeffrey R. Jastrzab whose telephone number is (571) 

Art Unit: 1744

¹²⁷⁹
272-~~4947~~. The examiner can normally be reached on Monday - Wednesday 5:30 a.m.
to 4:00 p.m. 14

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, ~~Robert Warden~~ ¹²⁸¹ Angela D. Sykes can be reached on (571) 272-~~4955~~. The fax phone
number for the organization where this application or proceeding is assigned is 703-
872-9306. KJ

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).


Krisanne Jastrzab
Primary Examiner
Art Unit 1744
February 18, 2005
